



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

September 22, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**PROJECT NO. R2014-03644-(1)
CONDITIONAL USE PERMIT NO. 201400175
APPLICANT: MICHAEL DE LA ROSA
EASTSIDE UNIT NO. 1 ZONED DISTRICT
(FIRST SUPERVISORIAL DISTRICT) (3-VOTES)**

SUBJECT

The proposed project would authorize a Type 41 (beer and wine) alcohol license for on-site consumption at a new 2,000 square foot restaurant (La Langosta Borracha) in the C-3 Unlimited Commercial Zone. The project site is located at 5862 Whittier Boulevard in the unincorporated community of East Los Angeles. The Conditional Use Permit (CUP) will allow the sale of alcoholic beverages from 10:00 a.m. to 9:00 p.m., Monday to Thursday, 10:00 a.m. to 1:30 a.m., Friday and Saturday, and 10:00 a.m. to 10:00 p.m. on Sunday, in accordance with the restaurant's opening hours. The restaurant will be required to participate in the Licensee Education on Alcohol and Drugs (LEAD) Program that provides training to all employees who are involved in alcohol sales. The project qualifies as a Categorical Exemption (Class 1 – Existing Facilities) under the California Environmental Quality Act (CEQA) and the County Environmental Guidelines.

The project was approved by the Regional Planning Commission (RPC) on May 13, 2015. A condition of approval for the project is being appealed to the Board of Supervisors by the applicant, Michael De La Rosa.

IT IS RECOMMENDED THAT THE BOARD, AFTER THE PUBLIC HEARING:

1. Find that the project is categorically exempt pursuant to state and local CEQA Guidelines.
2. Deny the appeal and instruct County Counsel to prepare the necessary findings to affirm the RPC's approval of CUP No. 201400175.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The project site is located in an area with an undue concentration of alcoholic beverage licenses as defined under County Code Section 22.56.195. Currently, there is another restaurant located about 470 feet east of the project site (5949 Whittier Boulevard) that sells beer and wine for on-site consumption.

Due to the project site being located in an area with an undue concentration of alcoholic beverage licenses, Condition #38 requires the permittee to purchase or retire, for its own use, an existing alcohol license within the unincorporated East Los Angeles community to prevent the addition of new alcoholic beverage licenses in the community. According to the applicant, despite there being eighteen Type 41 beer and wine alcohol licenses in the unincorporated East Los Angeles community, he has been unable to obtain an existing or retiring license.

Implementation of Strategic Plan Goals

The proposed project would help implement the County's Strategic Plan goals of increasing the well-being of County residents. The facility would provide services to the local residents and add to the commercial diversity of the area.

FISCAL IMPACT/FINANCING

Implementation of the proposed CUP should not result in any new significant costs to the County or to the Department of Regional Planning as the proposed project is a private development. Operating costs will be borne by the applicant.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The RPC conducted a duly noticed public hearing at its regularly scheduled meeting of May 13, 2015. The applicant testified in favor of the project and requested that Condition #38, requiring the purchase or retiring of an existing alcohol license within the unincorporated East Los Angeles community, be removed from the draft conditions because of the difficulty of finding such a license within the unincorporated East Los

Angeles community. Discussion followed in which the RPC stated that there is a concern with the large number of existing alcohol licenses in unincorporated East Los Angeles and that Condition #38 should remain in the draft conditions. The RPC subsequently voted three to two (three concurring, two absent) to approve CUP No. 201400175.

Pursuant to subsection A of Section 22.60.230 of the County Code, Michael De La Rosa appealed a condition of the RPC's approval to the Board of Supervisors on May 26, 2015. A public hearing is required pursuant to Section 22.60.240 of the County Code and Sections 65335 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65355, and 65856 relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

The project qualifies for a Categorical Exemption (Class 1 Exemption – Existing Facilities) under CEQA and the County environmental guidelines. The project will not require any significant improvements or construction to the existing building. The selling of alcoholic beverages for on-site consumption at a restaurant will not cause any significant environmental impacts.


IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the proposed CUP is not anticipated to have a negative impact on current services.

The Honorable Board of Supervisors
September 22, 2015
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For further information, please contact Steve Mar at (213) 974-6435 or smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:00a.m. to 6:00 p.m.

Respectfully submitted,



Richard J. Bruckner
Director

RJB:SA:MM:SM:lm

Attachments: Appeal Form
Regional Planning Commission Approval and Hearing Documents

c: Executive Office, Board of Supervisors
County Counsel
Assessor
Chief Executive Office
Public Works

S_CP_092215_BL_PROJECT_NO_R2014_03644

APPLICANT

Date 5/26/15

Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

PROJECT
NO/CUP NO.: R2014-03644-(1)/201400175

APPLICANT: Michael De La Rosa

LOCATION: 5862 Whittier Blvd Los Angeles 90022

Zoned
District

Related zoning matters:

CUP(s) or VARIANCE No.

Change of Zone Case No.

Other

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented with a check or money order, payable to the Board of Supervisors, along with personal identification, prior to the appeal deadline at 5:00 p.m. at the above address. (Appeal fees subject to change) Contact the Zoning section of the Board of Supervisors for more information: (213) 974-1426.

This is to appeal: (Check one)

☐

The Denial of this request \$7,225* OR

☒

2 or less conditions of the Project to be listed below: \$843.00*

Condition number 38

*For Subdivisions \$260.00 of this amount is to cover the cost of the hearing by the Board of Supervisors

Briefly, explain the reason for this appeal is as follows (attach additional information if necessary):

There are eighteen type 41 Beer and wine licenses in the East Los Angeles community. Despite my best effort to obtain an existing or retired license, I am finding it impossible to acquire. The commissioner of district one Esther L. Valadez, places a restaurant in the same category as bars, night clubs, and liquor stores. It is unjust to put such condition on a restaurant when food is the primary source of sales.

x Michael De La Rosa
(Signed) Appellant

Michael De La Rosa
Print Name

361 Clela ave
Street Address

Los Angeles CA. 90022
City/Zip

(323) 695-1061
Day Time Telephone Number

89michaelde ROSA@gmail.com
Email Address



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

May 13, 2015

Michael De La Rosa
361 Clela Ave.
Los Angeles, CA 90022

REGARDING: PROJECT NO. R2014-03644-(1)
CONDITIONAL USE PERMIT NO. 201400175
5862 WHITTIER BLVD., LOS ANGELES (APN #6339-003-010)

The Regional Planning Commission, by its action of **May 13, 2015**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **May 27, 2015**. **Appeals must be delivered in person.**

Appeals:

To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions on the following page. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

MM:SM

**FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-03644-(1)
CONDITIONAL USE PERMIT NO. 201400175**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400175 ("CUP") on May 13, 2015.
2. The permittee, Michael De La Rosa ("permittee"), requests the CUP to authorize the sale of beer and wine for on-site consumption (Type 41 liquor license) at a new 2,000 sq. ft. restaurant ("La Langosta Borracha") ("Project") on a property located at 5862 Whittier Blvd. in the unincorporated community of East Los Angeles ("Project Site") in the C-3 (Unlimited Commercial) zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. The Project Site is 0.05 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with a commercial retail building.
4. The Project Site is located in the Eastside Unit No. 1 Zoned District and is currently zoned C-3 (Unlimited Commercial).
5. The Project Site is located within the CC – Community Commercial land use category of the East Los Angeles Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence)
 - South: R-3 (Limited Multiple Residence)
 - East: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence)
 - West: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence)
7. Surrounding land uses within a 500-foot radius include:
 - North: Retail/Commercial, Multi-family Residences
 - South: Single-family Residences, Multi-family Residences
 - East: Retail/Commercial, Single-family Residences, Multi-family Residences
 - West: Retail/Commercial, Medical Offices, Church w/Church School, Single-family Residences, Multi-family Residences
8. The Project Site was zoned C-3 in 1927. Building permits show that the existing structure on the Project Site was built in 1947. On January 16, 2014, Plot Plan No. 201301245 approved the conversion and remodeling of the building into a restaurant.
9. The site plan for the Project depicts the new restaurant in a 2,000 sq. ft. commercial building along Whittier Boulevard. A concrete slab area located at the rear of the building is used for trash storage.
10. The Project Site is accessible via Whittier Boulevard to the east and west. Primary access to the Project Site will be via an entrance/exit on Whittier Boulevard. Secondary access to the

Project Site will be via an entrance/exit off of an alley behind the building. Secondary access is for employees only. The site contains no parking.

11. The County of Los Angeles Sheriff's Department, East Los Angeles Station, has reviewed the CUP request and neither advocated support nor opposition to the project. A five year crime history query could not be made for the subject property since the restaurant is a new business. Enforceable conditions that the Sheriff's station recommended include the installation of security cameras with recording for 30 day retention and that any gang graffiti be removed from the premises immediately.

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district. The subject property is in Reporting District 0287. The average number of offenses reported per district is 95.7 and the total number of crimes reported for District 0287 is 708.

The subject property lies within Census Tract 5319.01. There are currently 3 existing alcohol licenses in this census tract and 6 licenses are allowed. Therefore there is not an undue concentration of alcoholic beverages within Census Tract 5319.01

12. Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the selling of beer and wine for on-site consumption at a restaurant and does not require any new improvements or construction to the existing building.
13. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearing by mail, newspaper, and property posting.
14. Staff has not received any public comments regarding the Project.
15. A duly noticed public hearing was held on May 13, 201, before the Regional Planning Commission. Commissioners Valadez, Louie, and Pincetti were present. Commissioners Pedersen and Modugno were absent. The applicant, Michael De La Rosa, testified in favor of the application. Mr. De La Rosa requested that Condition #38 be removed from the draft conditions because of the difficulty of finding an existing or retiring alcohol license within the East Los Angeles community to purchase. Discussion followed in which the Commission stated that there is a concern with the large number of existing alcohol licenses that are in East Los Angeles and that Condition #38 should remain in the draft conditions. There being no further testimony, the Commission closed the public hearing and approved Conditional Use Permit 201400175.
16. The Commission finds that the project site is located within the CC – Community Commercial land use category of the East Los Angeles Community Plan. This designation is intended for areas with mostly small businesses that are oriented to serving the needs of surrounding neighborhoods. The selling of beer and wine for on-site consumption at a restaurant is intended to enhance the dining services provided to the local neighborhood and is therefore consistent with the permitted uses of the underlying land use category.

17. The Commission finds that establishments in the C-3 Zone are subject to development standards as prescribed under County Code Section 22.28.220. These development standards include provisions for landscaping, parking, and outside display. Additionally, establishments in the East Los Angeles Community Standards District (CSD) are subject to development standards as prescribed under County Code Section 22.44.118 (adopted 1988). Building permits show that the building was built in 1947 and conformed to the development standards at the time it was built and prior to current adopted development standards for the C-3 Zone and the East Los Angeles CSD. Therefore, the project is nonconforming due to current development standards such as landscaping and parking standards.
18. The Commission finds that the sale of alcoholic beverages at a new restaurant on the subject property is compatible with the surrounding neighborhood and provides a needed service to the community. Alcoholic beverage sales is a permitted use in the C-3 zone once a CUP is obtained. Currently, there is one other establishment within a 500-ft. radius of the subject property that sells alcohol (Mi Tierra Restaurant, Type 41). Although this constitutes an undue concentration under code, the sale of beer and wine for off-site consumption would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area. With the proposed draft conditions, the project shall remain consistent and compatible with the surrounding community. The applicant will also be required to purchase an existing or retired alcohol license within the East Los Angeles community for its own use.
19. The Commission finds that the sale of alcoholic beverages at the restaurant would necessitate an increase in staff who would be properly trained in the laws and regulations of serving such beverages. Security will be provided at the restaurant as needed to ensure safety of property and individuals.
20. The Commission finds that the existing building was constructed in 1947 and conformed to the development standards in place at the time it was built. The building is undergoing tenant improvements to ensure the safety of the building and to enhance the appearance of the building.
21. The Commission finds that the existing site is easily accessible by fully improved roads and is serviced by existing public utilities.
22. The Commission finds that there are two sensitive uses within 600 ft. of the project site (a church and its associated church school). The restaurant proposes to hire extra staff and security during the times when church services are being held to prevent any negative effects of their alcohol service.
23. The Commission finds that the nearby residences to the south of the project site are sufficiently buffered by an alley.
24. The Commission finds that there is one other restaurant within 500 ft. of the project site which currently has an active Type 41 alcohol license. The granting of this permit provides a public convenience and necessity to the community by allowing the subject restaurant to compete with the nearby restaurant by offering alcoholic beverage service as part of its dining service.

25. The Commission finds that the sale of alcoholic beverages will not adversely affect the economic welfare of the community and can attract new customers to surrounding local businesses.
26. The Commission finds that tenant improvements for the new restaurant have recently been reviewed and approved by the County of Los Angeles Department of Regional Planning. These new tenant improvements ensure that the structure's exterior appearance is consistent with the appearance of other commercial structures in the neighborhood.
27. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.
28. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the East Los Angeles community. On April 6, 2015, a total of 100 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as three notices to those on the courtesy mailing list for the Eastside Unit No. 1 Zoned District and to any additional interested parties.
29. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit No. 201400175, subject to the attached conditions.

ACTION DATE: MAY 13, 2015

VOTE: 3:0:0:2

Concurring: Valadez, Louie, Pincetti

Dissenting: 0

Abstaining: 0

Absent: Pedersen, Modugno

MM:SM
5/13/15

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-03644-(1)
CONDITIONAL USE PERMIT NO. 201400175**

PROJECT DESCRIPTION

The project is a Conditional Use Permit (CUP) for the sale of beer and wine for on-site consumption (Type 41 alcohol license) at a new restaurant subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 13, 2030.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies of a modified Exhibit "A"** shall be submitted to Regional Planning by **July 13, 2015**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of the proposed plans** to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. The conditions of this grant shall be retained on the premises at all times and shall be made available upon request of any County Sheriff, Zoning Inspector or Department of

Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;
22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures;
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public;
25. This grant authorizes the sale of alcoholic beverages from 10:00 a.m. to 9:00 p.m., Monday to Thursday, 10:00 a.m. to 1:30 a.m., Friday and Saturday, and 10:00 a.m. to 10:00 p.m. on Sunday;
26. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary;
27. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu;
28. All servers of alcoholic beverages must be at least 18 years of age;
29. There shall be no music or other noise audible beyond the restaurant premises;
30. No live entertainment, dancing, or dance floor is authorized in or outside the premises;
31. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only;

32. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited;
33. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation;
34. Not less than fifty-one percent of the income from the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages. Said records shall be made available to the Los Angeles County Department of Regional Planning, the Department of Alcoholic Beverage Control, or the Los Angeles County Sheriff's Department on demand;
35. The permittee may hold "happy hour" drink specials, specials or similar promotions from 4:00 p.m. to 7:00 p.m., Monday to Friday only in conjunction with food;
36. Food service shall be continuously provided during operating hours;
37. All exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.
38. The permittee is required to purchase or to retire, for its own use, an existing alcohol license within the East Los Angeles community no later than **August 13, 2015**. If, despite evidence provided to the Director of Regional Planning ("Director") of best efforts to obtain or retire a license, the permittee requires additional time, then the permittee may request additional time in writing from the Director. If the Director determines that the permittee has been unable to acquire or retire a license despite best efforts, the Director shall grant an extension or extensions which cumulatively shall not exceed one year. The rights granted hereunder shall expire and lapse in the event that the permittee fails to acquire a license within the time frame set forth in this condition.

PROJECT SITE SPECIFIC CONDITIONS

39. This grant shall authorize the sale of beer and wine for on-site consumption at a restaurant.
40. Security cameras shall be installed on the premises of the subject establishment. Security camera footage shall be recorded at all times and have the capability for 30 day retention.
41. Per Public Health requirements pertaining to establishments that sell alcoholic beverages for on-site consumption, the restaurant shall maintain separate restrooms for women and men. The men's restroom shall provide at least one urinal.

Regional Planning Commission Transmittal Checklist

Hearing Date
5/13/15
Agenda Item No.
6

Project Number: R2014-03644-(1)
Case(s): Conditional Use Permit Case No. 201400175
Planner: Steve Mar

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☐ Photographs
- ☐ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans
- ☒ Sheriff's Comment Letter – Feb. 10, 2015
- ☒ ABC B&P Worksheet

Reviewed By:





Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER

R2014-03644-(1)

HEARING DATE

May 13, 2015

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201400175

PROJECT SUMMARY

OWNER / APPLICANT

Michael De La Rosa / same

MAP/EXHIBIT DATE

10/5/13

PROJECT OVERVIEW

The applicant, Michael De La Rosa, is requesting a conditional use permit (CUP) to authorize the sale of beer and wine for on-site consumption (Type 41 liquor license) at a new 2,000 sq. ft. restaurant ("La Langosta Borracha") in the C-3 (Unlimited Commercial) zone pursuant to Los Angeles County Code Section 22.28.210.

LOCATION

5862 Whittier Blvd., East Los Angeles

ACCESS

via Whittier Blvd. & rear alley

ASSESSORS PARCEL NUMBER(S)

6339-003-010

SITE AREA

0.05 Acres

GENERAL PLAN / LOCAL PLAN

East Los Angeles Community Plan

ZONED DISTRICT

Eastside Unit No. 1

LAND USE DESIGNATION

CC – Community Commercial

ZONE

C-3 (Unlimited Commercial)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

East Los Angeles CSD

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the East Los Angeles Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.56.195 (Alcoholic Beverage Sales Burden of Proof Requirements)
 - 22.44.118 (East Los Angeles CSD requirements)
 - 22.28.220 (C-3 Zone Development Standards)

CASE PLANNER:

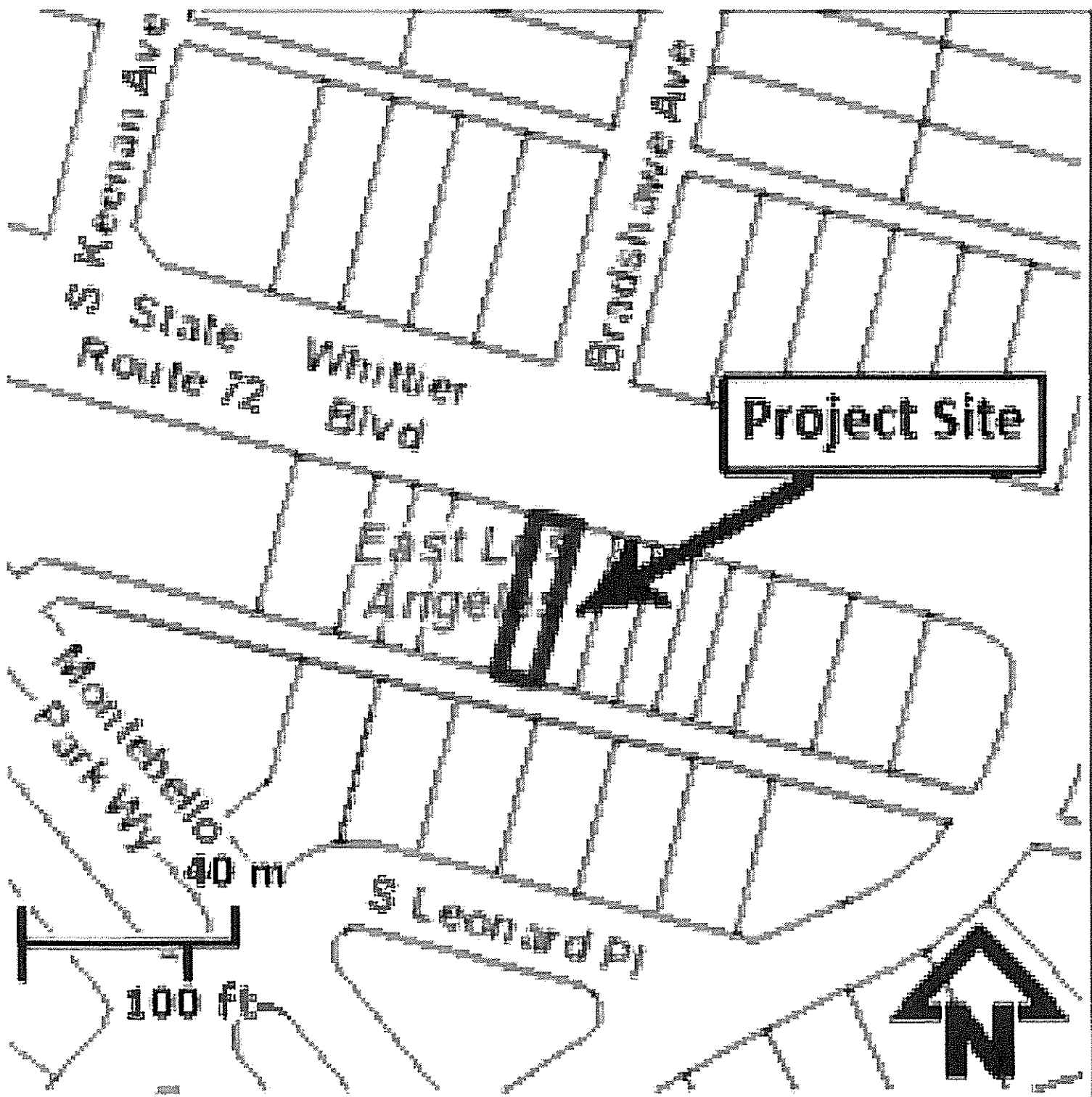
Steve Mar

PHONE NUMBER:

(213) 974-6435

E-MAIL ADDRESS:

smar@planning.lacounty.gov



ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the sale of beer and wine for on-site consumption (Type 41 alcohol license) at a new restaurant ("La Langosta Borracha") in the C-3 (Unlimited Commercial) zone pursuant to County Code Section 22.28.210.

PROJECT DESCRIPTION

The applicant, Michael De La Rosa, is requesting a conditional use permit (CUP) to authorize the sale of beer and wine for on-site consumption (Type 41 liquor license) at a new 2,000 sq. ft. restaurant ("La Langosta Borracha") in the C-3 (Unlimited Commercial) zone.

EXISTING ZONING

The subject property is zoned C-3 (Unlimited Commercial).

Surrounding properties are zoned as follows:

North: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence)
South: R-3 (Limited Multiple Residence)
East: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence)
West: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence)

EXISTING LAND USES

The subject property is developed with a restaurant.

Surrounding properties are developed as follows:

North: Retail/Commercial, Multi-family Residences
South: Single-family Residences, Multi-family Residences
East: Retail/Commercial, Single-family Residences, Multi-family Residences
West: Retail/Commercial, Medical Offices, Church w/Church School, Single-family Residences, Multi-family Residences

PREVIOUS CASES/ZONING HISTORY

The previous zoning history of the subject parcel is as follows: C-3 (Sept. 1927).

Plot Plan No. 201301245 – Approved January 16, 2014, for the conversion and remodeling of an existing 2,000 sq. ft. retail space into a restaurant.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The selling of beer and wine for on-site consumption at a restaurant does not require any new improvements or construction. Therefore, staff recommends that the Regional Planning Commission determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the CC – Community Commercial land use category of the East Los Angeles Community Plan. This designation is intended for areas with mostly small businesses that are oriented to serving the needs of surrounding neighborhoods. The selling of beer and wine for on-site consumption at a restaurant is intended to enhance the dining

services provided to the local neighborhood and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development.*
- *Promote the recognition and orderly development of the regional core and linear activity areas.*
- *Maintain and reinforce the multifocused pattern of regional linear activity areas and centers.*
- *Encourage a strong, diversified economy that will provide business opportunities, an adequate number of jobs for this County's labor force and an improved standard of living.*

The project will maintain and conserve an existing retail space as a new restaurant with alcoholic beverage services located along the busy commercial corridor of Whittier Boulevard. The proposed sale of alcoholic beverages at the restaurant diversifies the business makeup of the neighborhood and will provide a beneficial service to the community.

The following policies of the East Los Angeles Community Plan are applicable to the proposed project:

- *Encourage rehabilitation of existing commercial uses and development of new commercial infill along the major corridors (Whittier, Olympic and Atlantic Boulevards) where commercial uses are designated on the Land Use Plan map and where transportation and other municipal services can support development.*
- *Promote the strengthening of existing industrial and commercial job-producing activities to create more jobs for residents of East Los Angeles.*

The project will allow the sale of alcoholic beverages at a new restaurant located along the major commercial corridor of Whittier Boulevard. The project and the new restaurant will provide new job opportunities for the neighborhood.

Zoning Ordinance and Development Standards Compliance

Establishments in the C-3 Zone are subject to development standards as prescribed under County Code Section 22.28.220. These development standards include provisions for landscaping, parking, and outside display. Additionally, establishments in the East Los Angeles Community Standards District (CSD) are subject to development standards as prescribed under County Code Section 22.44.118 (adopted 1988). Building permits show that the building was built in 1947 and conformed to the development standards at the time it was built and prior to current adopted development standards for the C-3 Zone and the East Los Angeles CSD. Therefore, the project is nonconforming due to current development standards such as landscaping and parking standards.

Neighborhood Impact/Land Use Compatibility

The sale of alcoholic beverages at a new restaurant on the subject property is compatible with the surrounding neighborhood and provides a needed service to the community. Alcoholic beverage sales is a permitted use in the C-3 zone once a CUP is obtained. Currently, there is

one other establishment within a 500-ft. radius of the subject property that sells alcohol (Mi Tierra Restaurant, Type 41). Although this constitutes an undue concentration under code, the sale of beer and wine for off-site consumption would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area. With the proposed draft conditions, the project shall remain consistent and compatible with the surrounding community. The applicant will also be required to purchase an existing or retired alcohol license within the East Los Angeles community for its own use.

The applicant carries the Burden of Proof to substantiate all facts as follows:

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The sale of alcoholic beverages at the restaurant would necessitate an increase in staff who would be properly trained in the laws and regulations of serving such beverages. Security will be provided at the restaurant as needed to ensure safety of property and individuals.

- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The existing building was constructed in 1947 and conformed to the development standards in place at the time it was built. The building is undergoing tenant improvements to ensure the safety of the building and to enhance the appearance of the building.

- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required.

The existing site is easily accessible by fully improved roads and is serviced by existing public utilities.

Additionally, the applicant carries the Burden of Proof to substantiate all facts as related to Alcoholic Beverage Sales as follows:

- A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

There are two sensitive uses within 600 ft. of the project site (a church and its associated church school). The restaurant proposes to hire extra staff and security during the times when church services are being held to prevent any negative effects of their alcohol service.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The nearby residences to the south of the project site are sufficiently buffered by an alley.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

There is one other restaurant within 500 ft. of the project site which currently has an active Type 41 alcohol license. The granting of this permit provides a public convenience and necessity to the community by allowing the subject restaurant to compete with the nearby restaurant by offering alcoholic beverage service as part of its dining service.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

The sale of alcoholic beverages will not adversely affect the economic welfare of the community and can attract new customers to surrounding local businesses.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

Tenant improvements for the new restaurant have recently been reviewed and approved by the County of Los Angeles Department of Regional Planning. These new tenant improvements ensure that the structure's exterior appearance is consistent with the appearance of other commercial structures in the neighborhood.

Burden of Proof

The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.195 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Sheriff's Station

The County of Los Angeles Sheriff's Department, East Los Angeles Station, has reviewed the CUP request and neither advocated support or opposition to the project. A five year crime history query could not be made for the subject property since the restaurant is a new business. Enforceable conditions that the Sheriff's station recommended include the installation of security cameras with recording for 30 day retention and that any gang graffiti be removed from the premises immediately.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district. The subject property is in Reporting District 0287. The average number of offenses reported per district is 95.7 and the total number of crimes reported for District 0287 is 708.

The subject property lies within Census Tract 5319.01. There are currently 3 existing alcohol licenses in this census tract and 6 licenses are allowed. Therefore there is not an undue concentration of alcoholic beverages within Census Tract 5319.01.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2014-03644-(1), Conditional Use Permit Number 201400175, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201400175 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Steve Mar, Regional Planning Assistant II, Zoning Permits East Section
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Site Plan, Land Use Map

MM:SM
5/13/15

**DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-03644-(1)
CONDITIONAL USE PERMIT NO. 201400175**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400175 ("CUP") on May 13, 2015.
2. The permittee, Michael De La Rosa ("permittee"), requests the CUP to authorize the sale of beer and wine for on-site consumption (Type 41 liquor license) at a new 2,000 sq. ft. restaurant ("La Langosta Borracha") ("Project") on a property located at 5862 Whittier Blvd. in the unincorporated community of East Los Angeles ("Project Site") in the C-3 (Unlimited Commercial) zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. The Project Site is 0.05 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with a commercial retail building.
4. The Project Site is located in the Eastside Unit No. 1 Zoned District and is currently zoned C-3 (Unlimited Commercial).
5. The Project Site is located within the CC – Community Commercial land use category of the East Los Angeles Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence)
 - South: R-3 (Limited Multiple Residence)
 - East: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence)
 - West: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence)
7. Surrounding land uses within a 500-foot radius include:
 - North: Retail/Commercial, Multi-family Residences
 - South: Single-family Residences, Multi-family Residences
 - East: Retail/Commercial, Single-family Residences, Multi-family Residences
 - West: Retail/Commercial, Medical Offices, Church w/Church School, Single-family Residences, Multi-family Residences
8. The Project Site was zoned C-3 in 1927. Building permits show that the existing structure on the Project Site was built in 1947. On January 16, 2014, Plot Plan No. 201301245 approved the conversion and remodeling of the building into a restaurant.
9. The site plan for the Project depicts the new restaurant in a 2,000 sq. ft. commercial building along Whittier Boulevard. A concrete slab area located at the rear of the building is used for trash storage.
10. The Project Site is accessible via Whittier Boulevard to the east and west. Primary access to the Project Site will be via an entrance/exit on Whittier Boulevard. Secondary access to the

Project Site will be via an entrance/exit off of an alley behind the building. Secondary access is for employees only. The site contains no parking.

11. The County of Los Angeles Sheriff's Department, East Los Angeles Station, has reviewed the CUP request and neither advocated support or opposition to the project. A five year crime history query could not be made for the subject property since the restaurant is a new business. Enforceable conditions that the Sheriff's station recommended include the installation of security cameras with recording for 30 day retention and that any gang graffiti be removed from the premises immediately.

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district. The subject property is in Reporting District 0287. The average number of offenses reported per district is 95.7 and the total number of crimes reported for District 0287 is 708.

The subject property lies within Census Tract 5319.01. There are currently 3 existing alcohol licenses in this census tract and 6 licenses are allowed. Therefore there is not an undue concentration of alcoholic beverages within Census Tract 5319.01

12. Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the selling of beer and wine for on-site consumption at a restaurant and does not require any new improvements or construction to the existing building.
13. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearing by mail, newspaper, and property posting.
14. Staff has not received any public comments regarding the Project.
15. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
16. The Commission finds that the project site is located within the CC – Community Commercial land use category of the East Los Angeles Community Plan. This designation is intended for areas with mostly small businesses that are oriented to serving the needs of surrounding neighborhoods. The selling of beer and wine for on-site consumption at a restaurant is intended to enhance the dining services provided to the local neighborhood and is therefore consistent with the permitted uses of the underlying land use category.
17. The Commission finds that establishments in the C-3 Zone are subject to development standards as prescribed under County Code Section 22.28.220. These development standards include provisions for landscaping, parking, and outside display. Additionally, establishments in the East Los Angeles Community Standards District (CSD) are subject to development standards as prescribed under County Code Section 22.44.118 (adopted 1988). Building permits show that the building was built in 1947 and conformed to the development standards at the time it was built and prior to current adopted development standards for the C-3 Zone and the East Los Angeles CSD. Therefore, the project is

nonconforming due to current development standards such as landscaping and parking standards.

18. The Commission finds that the sale of alcoholic beverages at a new restaurant on the subject property is compatible with the surrounding neighborhood and provides a needed service to the community. Alcoholic beverage sales is a permitted use in the C-3 zone once a CUP is obtained. Currently, there is one other establishment within a 500-ft. radius of the subject property that sells alcohol (Mi Tierra Restaurant, Type 41). Although this constitutes an undue concentration under code, the sale of beer and wine for off-site consumption would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area. With the proposed draft conditions, the project shall remain consistent and compatible with the surrounding community. The applicant will also be required to purchase an existing or retired alcohol license within the East Los Angeles community for its own use.
19. The Commission finds that the sale of alcoholic beverages at the restaurant would necessitate an increase in staff who would be properly trained in the laws and regulations of serving such beverages. Security will be provided at the restaurant as needed to ensure safety of property and individuals.
20. The Commission finds that the existing building was constructed in 1947 and conformed to the development standards in place at the time it was built. The building is undergoing tenant improvements to ensure the safety of the building and to enhance the appearance of the building.
21. The Commission finds that the existing site is easily accessible by fully improved roads and is serviced by existing public utilities.
22. The Commission finds that there are two sensitive uses within 600 ft. of the project site (a church and its associated church school). The restaurant proposes to hire extra staff and security during the times when church services are being held to prevent any negative effects of their alcohol service.
23. The Commission finds that the nearby residences to the south of the project site are sufficiently buffered by an alley.
24. The Commission finds that there is one other restaurant within 500 ft. of the project site which currently has an active Type 41 alcohol license. The granting of this permit provides a public convenience and necessity to the community by allowing the subject restaurant to compete with the nearby restaurant by offering alcoholic beverage service as part of its dining service.
25. The Commission finds that the sale of alcoholic beverages will not adversely affect the economic welfare of the community and can attract new customers to surrounding local businesses.
26. The Commission finds that tenant improvements for the new restaurant have recently been reviewed and approved by the County of Los Angeles Department of Regional Planning. These new tenant improvements ensure that the structure's exterior appearance is consistent with the appearance of other commercial structures in the neighborhood.

27. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.
28. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the East Los Angeles community. On April 6, 2015, a total of 100 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as three notices to those on the courtesy mailing list for the Eastside Unit No. 1 Zoned District and to any additional interested parties.
29. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. 201400175, subject to the attached conditions.

**[DRAFT] CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-03644-(1)
CONDITIONAL USE PERMIT NO. 201400175**

PROJECT DESCRIPTION

The project is a Conditional Use Permit (CUP) for the sale of beer and wine for on-site consumption (Type 41 alcohol license) at a new restaurant subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 13, 2030.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **July 13, 2015**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. The conditions of this grant shall be retained on the premises at all times and shall be made available upon request of any County Sheriff, Zoning Inspector or Department of

Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;
22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures;
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public;
25. This grant authorizes the sale of alcoholic beverages from 10:00 a.m. to 9:00 p.m., Monday to Thursday, 10:00 a.m. to 1:30 a.m., Friday and Saturday, and 10:00 a.m. to 10:00 p.m. on Sunday;
26. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary;
27. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu;
28. All servers of alcoholic beverages must be at least 18 years of age;
29. There shall be no music or other noise audible beyond the restaurant premises;
30. No live entertainment, dancing, or dance floor is authorized in or outside the premises;
31. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only;

32. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited;
33. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation;
34. Not less than fifty-one percent of the income from the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages. Said records shall be made available to the Los Angeles County Department of Regional Planning, the Department of Alcoholic Beverage Control, or the Los Angeles County Sheriff's Department on demand;
35. The permittee may hold "happy hour" drink specials, specials or similar promotions from 4:00 p.m. to 7:00 p.m., Monday to Friday only in conjunction with food;
36. Food service shall be continuously provided during operating hours;
37. All exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.
38. The permittee is required to purchase or to retire, for its own use, an existing alcohol license within the East Los Angeles community no later than **August 13, 2015**. If, despite evidence provided to the Director of Regional Planning ("Director") of best efforts to obtain or retire a license, the permittee requires additional time, then the permittee may request additional time in writing from the Director. If the Director determines that the permittee has been unable to acquire or retire a license despite best efforts, the Director shall grant an extension or extensions which cumulatively shall not exceed one year. The rights granted hereunder shall expire and lapse in the event that the permittee fails to acquire a license within the time frame set forth in this condition.

PROJECT SITE SPECIFIC CONDITIONS

39. This grant shall authorize the sale of beer and wine for on-site consumption at a restaurant.
40. Security cameras shall be installed on the premises of the subject establishment. Security camera footage shall be recorded at all times and have the capability for 30 day retention.
41. Per Public Health requirements pertaining to establishments that sell alcoholic beverages for on-site consumption, the restaurant shall maintain separate restrooms for women and men. The men's restroom shall provide at least one urinal.



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Having the sales of alcohol in the restaurant would increase staff and properly train staff on the alcohol beverage control (abc) laws. security will be provided as needed to insure safety of property and individuals.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The existing building was constructed in 1947 and conformed to the development standards in place at the time it was built. the building is undergoing a tendent improvement to secure the safety of the building as well as the appearance of the building. with the enhacements in the tendent improvement the los angeles county department of building and safety has given this building an evaluation of over ninety thousand (\$90,000) in improvements.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the existing site is easily accessible by fully improved roads. los angeles county department of public works has added a ada ramp on the sidewalk in front of site. the site is currently serviced by existing public utilities.



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): _____ (e.g. Type 20, Type 41)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

The sale of alcoholic beverages at the restaurant will not affect place of worship. In addition, the restaurant is willing to hire extra staff and security during the time of worship to prevent negative effects of alcohol service.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The surrounding residence are sufficiently buffered by an alley.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

There is a restaurant within 500 feet radius from the establishment which currently has an active type 41 license. having another restaurant with a type 41 license would create a competitive edge and may result in lower prices and wider selection of alcohol beverages for the community.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

The sales of alcohol will not affect the economic welfare of the surrounding community, it can attract new costumers to the surrounding local businesses. The sales of alcohol will increase the value of the resturant which would increase more job opportunities for the community.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

The existing building has plans pending approval with the Los Angeles County Department of building and safety to upgrade the store front. the plans have been approved by los angeles county depaertment of regional planning.



Jim McDaniel, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

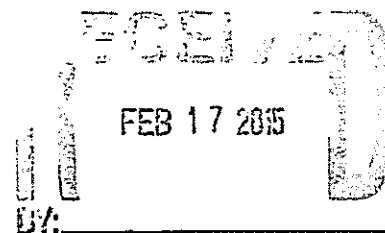
*4700 Ramona Boulevard
Monterey Park, California 91754-2169*



February 10, 2015

Mr. Steve Mar
Los Angeles County Department of Regional Planning
Current Planning Division
320 West Temple Street, Room # 1346
Los Angeles, California 90012

RE: Project No: R2014-03644
CUP Permit No: 201400175
"La Langosta Borracha"
5862 Whittier Boulevard
Los Angeles, CA 90022



Dear Mr. Mar:

It is my understanding a new restaurant by the name of "La Langosta Borracha," which will be located at 5862 Whittier Boulevard, Los Angeles is being reviewed for a Conditional Use Permit. In addition, it will be for sale of alcohol and consumption (type 41 liquor license) at the location. While we are not advocating our support or opposition to their request, it is my responsibility to provide the necessary factual information for those who will make that decision.

The restaurant is new and a five year query for the location will not determine calls for service.

Currently, the entire policing area of unincorporated East Los Angeles consists of 7.89 square miles. It is comprised of twenty-seven census tracts with several liquor licenses. This is not including the 7.00 square miles of the City of Commerce, which also has three census tracts with forty-one liquor licenses. Due to this, we have several problems with alcohol consumption in our policing area. Within census tract 5319.01, the area where the restaurant will be located, there are nine licenses.

We would request the sale of alcohol be limited to only beer and wine. We would hope they are a responsible business and not allow excessive consumption of alcohol at the location and/or allow intoxicated persons to congregate outside their business. In addition, we would like to ensure there is no gang activity at the location.

A Tradition of Service Since 1850

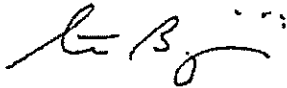
We would request law enforcement be called by management and/or employees if problems arise at the location so they do not escalate into serious problems such as fights and/or shootings. It would also be in the best interest for the location to have active and functional cameras with recording for 30 day retention to assist law enforcement with any issues at the location, but this is not a requirement. We would also request all and any gang graffiti be removed from the premises immediately.

We would also request a thorough background check of the owner and notifications to our department of any previous bars and/or restaurants he/she has owned or managed in the past with problems.

If you have any questions or wish to discuss this matter further, you may contact Lieutenant Joshua Bardon or Deputy Scott Hennessy at East Los Angeles Station, at (323) 264-4151.

Sincerely,

JIM McDONNELL, SHERIFF

A handwritten signature in black ink, appearing to read "Steve Biagini". The signature is fluid and cursive, with a large initial "S" and "B".

Steven E. Biagini, Captain
East Los Angeles Station

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

MICHAEL DE LA ROSA

2. PREMISES ADDRESS (Street number and name, city, zip code)

5862 WHITTIER BLVD, EAST LOS ANGELES CA

3. LICENSE TYPE

41

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All | | | |
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-In Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

N/A

6. TOTAL NUMBER OF LICENSES IN COUNTY

N/A

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale ☐ Off-Sale ☐ 1:1,048 ☒ On-Sale ☐ Off-Sale ☐

8. CENSUS TRACT NUMBER

5319.01

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

6

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

On-Sale ☒ Off-Sale ☐ 3 ☒ On-Sale ☐ Off-Sale ☐

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- ☐ Yes, the number of existing licenses exceeds the number allowed
- ☒ No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- ☒ Yes (Go to Item #13) ☐ No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

287

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

47,758

16. AVERAGE NO. OF OFFENSES PER DISTRICT

95.7

17. 120% OF AVERAGE NUMBER OF OFFENSES

103

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

708

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- ☒ Yes, the total number of offenses in the reporting district equals or exceeds the total number in Item #17
- ☐ No, the total number of offenses in the reporting district is lower than the total number in Item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- ☐ a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- ☒ b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- ☐ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Beatriz Lozada 1-13-15

ABC-245 (rev. 01-11)

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☒ Yes

☐ No

☐ See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

There is one other restaurant within 500 ft. of the project site which currently has an active Type 41 alcohol license. The granting of this permit provides a public convenience and necessity to the community by allowing the subject restaurant to compete with the nearby restaurant by offering alcoholic beverage service as part of its dining service.

26. CITY/COUNTY OFFICIAL NAME

Steve Mar

27. CITY/COUNTY OFFICIAL TITLE

Regional Planning Assistant II

28. CITY/COUNTY OFFICIAL PHONE NUMBER

(213) 974-6435

29. CITY/COUNTY OFFICIAL SIGNATURE

Steve Mar

30. DATE SIGNED

4/28/15